

**AFFIDAVIT IN SUPPORT OF AN
APPLICATION FOR A CRIMINAL COMPLAINT**

I, Mariano Garay-Ortiz, being first duly sworn, do here by depose and state that:

INTRODUCTION AND AGENT BACKGROUND

1. I am a United States Customs and Border Protection Enforcement Officer with the Department of Homeland Security, assigned to investigate Immigration Law violations and Criminal Laws of the United States at the Luis Muñoz Marín International Airport, Carolina, Puerto Rico.

2. I make this affidavit based on my own personal knowledge and on oral and written reports by other federal, state, and/or local law enforcement agents and officers that investigated this matter. This affidavit does not contain all the information derived from this investigation only that which is sufficient to demonstrate probable cause to believe that a crime has been committed.

3. This affidavit is submitted in support of a criminal complaint charging Juan Fernando MERCEDES-BUENO (“MERCEDES-BUENO”) with: (1) Re-entry after deportation as an Aggravated Felon in violation of 8 U.S.C. § 1326(a) & (b)(1).

PROBABLE CAUSE

4. On or about April 4, 2025, at the Pan American Dock West in San Juan, Puerto Rico, an alien by the name of Juan Fernando MERCEDES-BUENO, a citizen of the Dominican Republic, was found attempting to board the Ferry M/V Kydon, bound to the city of Santo Domingo, Dominican Republic.

5. During the inspection conducted by the U.S. Customs and Border Protection Officers, the alien claimed to be Juan Fernando MERCEDES-BUENO by presenting a Dominican Republic passport #PR0703396 as proof of identity.

6. Since the alien did not present a valid document to be legal in the United States; the inspection was referred for a closer examination.

7. During this process MERCEDES-BUENO fingerprints were submitted to the FBI for examination and comparison, this examination disclosed a match to FBI record #257453MD5. FBI record revealed the following:
- a) On 09/15/2011, the subject was granted a Voluntary Departure from the United States to the Dominican Republic by the Immigration Judge.
 - b) On 10/13/2011, subject was physically removed from the United States to the Dominican Republic.
 - c) On 01/03/2018, the subject was apprehended by US Border Patrol and served with a Notice and Order of Expedited Removal from the United States to the Dominican Republic.
 - d) On 02/06/2018, subject was physically removed from the United States to the Dominican Republic.
 - e) On 04/28/2019, the subject was apprehended by US Border Patrol.
 - f) On 09/23/2019, the subject was convicted for Reentry of Removed Aliens, Title 8, section 1326 (a), at the United States District Court for the District of Puerto Rico. 3:19-CR-00282-1(RAM).
 - g) On 09/26/2019, the subject was served with a Notice and Order of Expedited Removal from the United States to the Dominican Republic by US immigration and Customs Enforcement (ICE).
 - h) On 10/15/2019, subject was physically removed from the United States to the Dominican Republic.
8. MERCEDES-BUENO was read his *Miranda* rights, and he waived his rights and agreed to be interviewed. During his immigration interview, MERCEDES-BUENO stated that his true and correct name is Juan Fernando MERCEDES-BUENO, and that he is a national and citizen of the Dominican Republic.

9. As part of his removal procedure MERCEDES-BUENO was advised that after his deportation / removal from the United States, he was required to obtain permission from the Attorney General or his successor under the Department of Homeland Security prior to his re-embarkation at a place outside the United States or his application for admission.

10. I conducted records checks which reveal that no application to request permission on form I-212 had been filed on behalf of "Juan Fernando MERCEDES-BUENO" at the Office of Citizenship and Immigration Services.

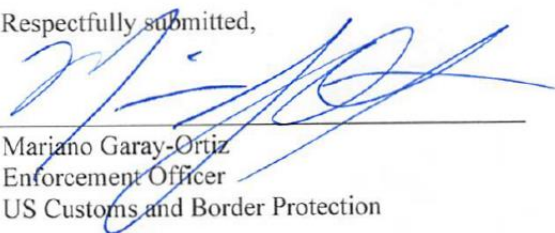
11. MERCEDES-BUENO is a citizen and national of the Dominican Republic and is an alien with no authorization or legal status to be present in the United States.

12. Further, MERCEDES-BUENO was deported from the United States and prohibited from re-entering the United States without obtaining consent from the Attorney General or his successor under the Department of Homeland Security prior to his re-embarkation at a place outside the United States or his application for admission.

CONCLUSION

13. Based upon my training, experience, and my participation in this investigation, I believe that probable cause exists that Juan Fernando MERCEDES-BUENO attempted to enter the United States in violation of 8 U.S.C. § 1326 (a) & (b)(1).

Respectfully submitted,


Mariano Garay-Ortiz
Enforcement Officer
US Customs and Border Protection

Sworn in accordance with the requirement of Fed. R. Crim. P. 4.1. by telephone at 9:09 AM
on this 7th day of April 2025, in San Juan, Puerto Rico.


Hon. Hector Ramos Vega
UNITED STATES MAGISTRATE JUDGE
DISTRICT OF PUERTO RICO

